

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>THOMAS K. GIPSON,</b>	§	
	§	
Plaintiff,	§	
	§	
v.	§	<b>Civil Action No. 3:13-CV-4820-L</b>
	§	
<b>DEUTSCHE BANK NATIONAL TRUST</b>	§	
<b>COMPANY as Trustee for Morgan Stanley</b>	§	
<b>Ixis Real Estate Capital Trust 2006-1</b>	§	
<b>Mortgage Pass Through Certificates, Series</b>	§	
<b>2006-1, et. al.,</b>	§	
Defendants.	§	

**ORDER**

This case was referred to Magistrate Judge Irma Carrillo Ramirez, who entered Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 36) on January 5, 2015, recommending that the court deny the moving Defendants’ motion to dismiss as moot if Plaintiff files a second amended complaint within the 14 days allotted for objections to the Report.\* On January 16, 2015, Plaintiff filed Plaintiff’s Second Amended Verified Petitioner [sic] and Application for Temporary Restraining Order, and Third Request for Disclosure (“Second Amended Complaint”) (Doc. 39), and, on March 23, 2015, he filed Plaintiff’s Third Amended Verified Petition [sic] and Application Temporary Restraining Order (“Third Amended Complaint”) (Doc. 58). Accordingly, because Plaintiff filed his Second Amended Complaint within the time for objections to the Report, the moving Defendants’ motion to dismiss should be denied as moot. The

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\* The moving Defendants are Defendant Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Ixis Real Estate Capital Trust 2006-1, Mortgage Pass Through Certificates, Series 2006-1 (“Trustee”), Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), and Defendant Mortgage Electronic Registration Systems, Inc. (“MERS”) (collectively, “Moving Defendants”).

court additionally acknowledges that, on April 13, 2015, the moving Defendants filed their First Amended/Supplemental Motion to Dismiss Plaintiff's Third Amended Petition [sic] (Doc. 68), which additionally moots their earlier-filed motion to dismiss.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court **determines** that the magistrate judge's findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **denies as moot** Moving Defendants' Motion to Dismiss Plaintiff's First Amended Petition [sic] (Doc. 28), filed May 19, 2014.

**It is so ordered** this 4th day of May, 2015.



Sam A. Lindsay  
United States District Judge